

**Remarks and Arguments**

Claims 5, 23, and 25-48 remain pending in the present application. Claims 1-4 and 6-22 were previously cancelled, and claims 37-48 were previously added. Claim 24 has been cancelled and claims 5, 23, 26-28, 37 and 38 have been amended without prejudice. Claims 49-64, dependent on claim 5, have been added. Applicants reserve the right to prosecute the canceled subject matter in one or more continuation applications.

Claims 5, 23, 24, and 26-26 were rejected under 35 U.S.C. 112, second paragraph, because the terms “cycloalkyl”, “cycloalkenyl” and “cycloalkynyl” are allegedly vague. Applicants note that the term “cycloalkyl” falls under the general term “alkyl,” the term “cycloalkenyl” falls under general term “alkenyl,” and the term “cycloalkynyl” falls under the general term “alkynyl” in the claim as amended. To further prosecution, the claims have been amended to remove the terms objected to. Applicants believe these amendments overcome the Examiner’s rejection.

Claims 5, 23, 24, and 26-26 were rejected under 35 U.S.C. 112, second paragraph, because the terms “heterocyclic”, “heteroaryl” and “heteroaromatic” are allegedly vague. The Examiner asserts that the definition of these terms on page 391 of the specification does not say how many atoms are present, how many of each kind of heteroatom is involved, what size ring is intended, or how many rings are present. Applicants again refer to the definition of these terms on pages 391-392 of the specification. Applicants have amended the claims to specify that R<sup>1</sup>-R<sup>6</sup> can be independently selected from the specific heteroaryl groups named on pages 391 and 392 of the specification.

Claims 5, 23, 24, and 26-26 were rejected under 35 U.S.C. 112, second paragraph, because some of the terms could not fulfill the valence requirement or lack open valences. The following terms are recited by the Examiner: “alkcarbonyl,” “carbonyl,” “carboxylic acid,” “ester,” “carbamate,” “amide,” “sulfonyl,” “sulfanyl,” “sulfinyl,” “sulfamoyl,” “phosphonyl,” “phosphinyl,” “phosphine,” “a residue of a natural or synthetic amino acid,” and “a residue of a

natural or synthetic carbohydrate.” These terms have been removed from the claims to facilitate allowable subject matter. Applicants reserve the right to pursue any canceled subject matter in continuation applications.

The Examiner also rejected claims 23, 24, 26, 37, and 38 under 35 U.S.C. 112, second paragraph, because of the term “optionally” in the phrase “optionally in a pharmaceutically acceptable carrier,” arguing that a pharmaceutical composition always requires a carrier. In response to the Examiner’s objection, the claims have been amended.

The Examiner also rejects claims 23, 24, and 26-48 under 35 U.S.C. 112, first paragraph, because the phrases “autoimmune disorders” and “inflammatory disorders” are allegedly too broad. Applicants have cancelled claim 24 to further prosecution, rendering the rejection of the term “autoimmune disorders” moot.

Applicants disagree with the Examiner that inflammatory disorders are not clearly defined. In fact, a search of the U.S.P.T.O. database for the terms “inflammatory,” “disease” or “disorder,” and “composition” in patent claims yielded 1756 *issued* U.S. patents. A search of just the specific term “inflammatory disorder” yielded 137 issued patents. The U.S.P.T.O. therefore does not appear to consider the phrase “inflammatory disorders” as too broad.

App. No. 09/970,089  
Amdt. Dated January 26, 2004  
Reply to Office Action of November 25, 2003

### Conclusion

Based on the above-presented amendments and comments, Applicants request that the Examiner allow all pending claims. Should the Examiner have any questions about the pending claims he is invited to contact the undersigned at 404-572-3541. The Commissioner is authorized to charge any additional fee or credit any overpayment associated with this submission, to Deposit Account No. 11-0980.

Respectfully submitted,

*Sherry Knowles* / *With express permission  
Suzanne Hollinger  
Reg. 51,811*

Sherry M. Knowles  
Registration No. 33,052

King & Spalding, LLP  
191 Peachtree Street  
Atlanta, Georgia 30303  
Telephone: 404-572-3541  
Facsimile: 404-572-5145